

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

RECEIVED

The Estates of YARON UNGAR and
EFRAT UNGAR by and through the
Administrator of the their estates David
Strachman, et al

Plaintiffs,

v.

THE PALESTINIAN AUTHORITY
(A.K.A. "THE PALESTINIAN INTERIM
SELF-GOVERNMENT AUTHORITY"),
THE PALESTINE LIBERATION
ORGANIZATION, YASSER ARAFAT, et al

SEP 6 2001
U.S. DISTRICT COURT
DISTRICT OF R.I.

C.A. No. 00-105L

**MEMORANDUM IN SUPPORT OF
DEFENDANTS' MOTION TO EXTEND TIME
TO RESPOND TO THE AMENDED COMPLAINT**

1. This memorandum is submitted by the Palestinian Authority ("PA") and the Palestine Liberation Organization ("PLO") in support of their motion for 60 days to respond to the amended complaint which was served by mail on Thursday, August 23, 2001 and received by counsel on Monday, August 27, 2001. The Court docket lists September 10, 2001, as the date for defendants' response. Defendants requested plaintiffs to agree to the 60 day period. Plaintiffs declined to agree to more than 10 days additional time.

2. The amended complaint was served pursuant to leave the Court granted in its decision and order on July 24, 2001, which dismissed the action against the individual Palestinian defendants named in the original complaint.

3. The amended complaint pleads claims under Israeli law in place of claims plaintiffs originally alleged under Rhode Island law which the Court dismissed.

4. The claims alleged against the PA and PLO under Israeli law are for negligence pursuant to Israeli civil Wrongs Ordinance sec. 35 (Second Claim), for breach of statutory obligation pursuant to CWO sec. 63 (Third Claim) and for assault pursuant to CWO sec. 23 (Fourth Claim).

5. Defendants immediately initiated transmittal of the amended complaint through official channels to the PA and PLO Ministries and officials who will need to consider it. Time is needed to assess these claims under extremely difficult circumstances. It must be determined whether these claims state a valid cause of action under Israeli law and whether they are otherwise subject to dismissal taking into account the complex history and relationships and existing agreements between Israel and these defendants and the governmental and organizational nature of the PA and PLO among other issues.

6. This assessment will require legal analysis and consultation between U.S. counsel and Palestinian representatives. Counsel's communication with Palestinian representatives is difficult and subject to delays and the press of other urgent matters attributable in part to the chaotic conditions violence and unrest which the press reports daily in the area.

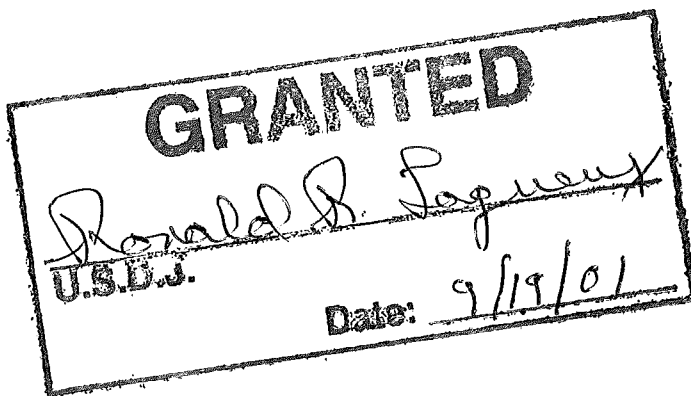
7. In addition, the PA and PLO are considering whether to make application to this Court under 28 U.S.C. sec. 1292(b) for certification of an interlocutory appeal. They have been considering the advisability of such an application, and whether it is best made before or after they respond to the amended complaint.

8. Another factor that bears on defendants' request for more time for response to the amended complaint is the schedule of Ramsey Clark who is lead counsel for the PA and PLO. Mr. Clark was in Africa at the time the amended complaint was received, participating in pre-trial proceedings in a case before the International Criminal Tribunal for Rwanda, in Arusha, Tanzania. He is briefly back in New York but leaves Tuesday, September 11, 2001 for

commencement of trial in Arusha, returning in mid-November. While away he will work with co-counsel on the Ungar case as necessary, but with some unavoidable difficulty.

9. Under the foregoing circumstances defendants respectfully submit a 60 day period to respond to the amended complaint is reasonably necessary.

Date: September 7, 2001



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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of September, a copy of the within Motion to Extend Time to Respond to the Amended Complaint, together with supporting Memorandum was faxed to David J. Strachman, Esq., Skolnik, McIntyre & Tate, Esqs, Ltd., Suite 400, 321 South Main Street, Providence, RI 02903 and mailed to Nitsana Darshan-Leitner, 13 Leonardo da-Vinci Street, Tel Aviv, Israel.

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